

17611 U.S. PTO



123103

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	P-17.111(CON)
	First Inventor	Jian Ling
	Title	Methodology of Using . .
	Express Mail Label No.	EV 400419399 US

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450
---	---

<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages <u>21</u>] (preferred arrangement set forth below)</p> <ul style="list-style-type: none"><li>- Descriptive title of the invention</li><li>- Cross Reference to Related Applications</li><li>- Statement Regarding Fed sponsored R &amp; D</li><li>- Reference to sequence listing, a table, or a computer program listing appendix</li><li>- Background of the Invention</li><li>- Brief Summary of the Invention</li><li>- Brief Description of the Drawings (if filed)</li><li>- Detailed Description</li><li>- Claim(s)</li><li>- Abstract of the Disclosure</li></ul> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>7</u>]</p> <p>5. Oath or Declaration [Total Sheets <u>6</u>]</p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)</p> <p>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p>ii. <input type="checkbox"/> Paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p> <p><b>ACCOMPANYING APPLICATION PARTS</b></p> <p>9. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement [ ] Power of Attorney (when there is an assignee)</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 [ ] Copies of IDS Citations</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input type="checkbox"/> Other: .....</p>
---	---

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/804,774.....

Prior application information:

Examiner: Deborah A. Davis

Art Unit: 1641

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number:	<u>30553</u>	OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Ted D. Lee	Registration No. (Attorney/Agent)	25,819
Signature		Date	12/31/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 515.00

**Complete if Known**

Application Number	
Filing Date	
First Named Inventor	Jian Ling
Examiner Name	
Art Unit	
Attorney Docket No.	P-17.111 (CON)

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	\$385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 385.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-20** = -6	X	0.00
1	-3** = -2	X	0.00
Multiple Dependent			0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	\$130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Ted D. Lee	Registration No. (Attorney/Agent)	25,819	Telephone	210-886-9500
Signature	<i>Ted D. Lee</i>	Date	12/31/03		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," as follows:

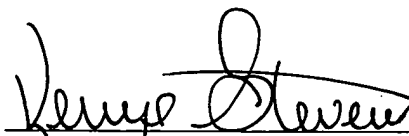
<p style="text-align: center;"><u>37 CFR 1.8(a)</u></p> <p>[ ] With sufficient postage as First Class Mail.</p> <p>Date: _____, 2003</p>	<p style="text-align: center;"><u>37 CFR 1.10</u></p> <p>[X] As "Express Mail Post Office to Addressee", Mailing Label No. <u>EV 400419399 US.</u></p> <p>Date: <u>December 31, 2003</u></p>
--	--

### Documents Enclosed:

1. Utility Patent Application Transmittal;
2. Fee Transmittal for FY 2004;
3. Patent Application Fee Determination Record;
4. Patent Application (21) pages with Drawings (7 pages);
5. Petition for Acceptance of Color Photographs (2 pages) with Three Sets of Color Photos of Figs. 4-7;
6. Preliminary Amendment (12 pages);
7. Combined Declaration and Power of Attorney (6 pages);
8. Joint Affidavit of Dr. Jian Ling & Michael A. Miller with Exhibits A&B;
9. Information Disclosure Statement with copy of cited literature documents;
10. Acknowledgment Postcard;
11. Application Filing Fee in the amount of \$385; and
12. Petition Filing Fee in the amount of \$130

KERRY STEVENS

Printed Name of Person Mailing Paper or Fee



Signature of Person Mailing Paper or Fee

# GUNN & LEE, P.C.

Ted D. Lee\*  
Michelle L. Evans  
John C. Cave  
Faith Fillman  
Robert A. McFall °

Of Counsel:  
Kenneth A. Keeling†  
James E. Hudson III†  
Kimberly Dinkins†

**Attorneys at Law**  
700 N. St. Mary's Street, Suite 1500  
San Antonio, Texas 78205  
Telephone: (210) 886-9500  
Facsimile: (210) 886-9883

E-mail: tedlee@gunn-lee.com  
Web Site: www.gunn-lee.com

\* Board Certified -  
Civil Trial Law

° Patent Agent Consultant

†Houston, Texas, Office  
(713) 680-1447

C. Donald Gunn  
(1936-1999)

P-17.111 / SWRI ID #2813

December 31, 2003

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RE: U.S. Continuation Patent Application entitled "Methodology of Using Raman Imaging Microscopy for Evaluating Drug Action Within Living Cells"

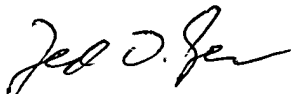
Dear Sir:

Enclosed please find the following items for filing on the above referenced patent application:

1. Utility Patent Application Transmittal;
2. Fee Transmittal for FY 2004;
3. Patent Application Fee Determination Record;
4. Patent Application (21) pages with Drawings (7 pages);
5. Petition for Acceptance of Color Photographs (2 pages) with  
Three Sets of Color Photos of Figs. 4-7;
6. Preliminary Amendment (12 pages);
7. Combined Declaration and Power of Attorney (6 pages);
8. Joint Affidavit of Dr. Jian Ling & Michael A. Miller with Exhibits A&B;
9. Information Disclosure Statement with copy of cited literature documents;
10. Certificate of Mailing;
11. Application Filing Fee in the amount of \$385; and
12. Petition Filing Fee in the amount of \$130

Please stamp the enclosed acknowledgment card with the date of receipt and return to my office.

Sincerely,



Ted D. Lee

Enclosures

cc: Louis Rodriguez

TDL/ks

G:\TDLS\WRAP-17.111\Express Abandon Cover Ltr.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
IN RE APPLICATION OF: Jian (NMI) Ling Steven D. Weitman Michael A. Miller  TITLE: Methodology of Using Raman Imaging Microscopy for Evaluating Drug Action Within Living Cells	ATTY DKT NO.: P-17.111(CON)  EXAMINER:  LAW OFFICE NO.:
TO: COMMISSIONER FOR PATENTS Mail Stop PATENT APPLICATION P.O. Box 1450 Alexandria, VA 22313-1450	

### **PETITION FOR ACCEPTANCE OF COLOR PHOTOGRAPHS**

Applicants hereby petition Supervisory Patent Examiner to accept the enclosed color photographs for Figures 4 - 7, in triplicate, in lieu of black and white drawings for the above referenced patent application. Applicants believe that these color photographs are the only practical medium by which to disclose the subject matter that Applicants seek to patent. The petition fee in the amount of \$130.00 as set forth in §1.17i is provided.

In the event of Supervisory Patent Examiner's acceptance of these color photographs, Applicants propose the following amendment to the specification:

"The file of this patent contains at least one photograph executed in color. Copies of this patent with color photograph(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

01/08/2004 MDANTE1 00000086 10750603

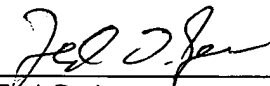
02 FC:1460

130.00 0P

If there are questions concerning this petition, please contact the person indicated below.

Respectfully submitted,

GUNN & LEE, P.C.  
700 North St. Mary's Street, Suite 1500  
San Antonio, TX 78205 - 3596  
(210) 886 - 9500  
(210) 886 - 9883 (Fax)

By:   
\_\_\_\_\_  
Ted D. Lee  
Regis. No. 25,819